

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NE/S Windsor Mill Road, 530' SE of the c/l of Lawnwood Circle (674 Windsor Mill Road) 2nd Election District and Councilmanic District William E. Reincke, et ux Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-297-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petitioner for Special Hearing and a Petition for Zoning Variance in which the Petitioners, William E. and Betty J. Reincke, request an amendment to the last approved Partial Development Plan of Lawnwood, Section 1 and a variance from Section 1B02.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Betty J. Reincke, appeared and testified. Also appearing on behalf of the Petitioners was Denise Litzau, a nearby property owner. There were no Protestants.

Testimony indicated that the subject property, known as 674 Windsor Mill Road, consists of 11,608 sq.ft. zoned D.R. 5.5 and is presently unimproved. Petitioners are desirous of constructing a single family dwelling on the property in accordance with that depicted on Petitioner's Exhibit 1. Testimony indicated that the relief requested is necessary due to the narrow width and size of the lot. Petitioners testified that they contacted their local community association and their immediately adjoining neighbors who have no objections to their plans. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that strict compliance with the B.C.Z.R. would result in practical difficulty and unreasonable hardship. Furthermore, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R. and will not result in any injury to the public health, safety or general welfare.

- 2 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2<sup>nd</sup> day of April, 1992 that the Petition for Special Hearing to approve an amendment to the last approved Partial Development Plan of Lawnwood, Section 1 and the Petition for Zoning Variance from Section 1B02.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 4/16/92  
By [Signature]

## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County **92-297-SPHA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the amendment to the last approved Partial Development Plan of Lawnwood, Section I

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Address  
City and State  
Attorney's Telephone No.

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Address  
City and State  
Attorney's Telephone No.

ORDER RECEIVED FOR FILING

Date 4/16/92  
By [Signature]



ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY [Signature] DATE 4/16/92

## Petition for Variance

to the Zoning Commissioner of Baltimore County **92-297-SPHA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.A (B01.2.C.4) 1970 to permit a 50' lot width in lieu of 55'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

to be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Address  
City and State  
Attorney's Telephone No.

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Address  
City and State  
Attorney's Telephone No.

ESTIMATED LENGTH OF HEARING - 1/2HR. - 45  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY [Signature] DATE 4/16/92

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 1 Date of Posting January 23, 1992  
Posted for: General Hearing and Variance  
Petitioner: William E. Reincke and Betty J. Reincke  
Location of property: 674 Windsor Mill Road, 530' SE of c/l of Lawnwood Circle  
Location of Sign: at Windsor Mill Road at front of subject property  
Remarks: 4/16/92  
Posted by [Signature] Date of return: March 4, 1992  
Number of Signs: 2

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chase Avenue in Towson, Maryland 21204 as follows:  
Case Number: 92-297-SPHA  
NE/S Windsor Mill Road, 530' SE of c/l of Lawnwood Circle  
674 Windsor Mill Road  
2nd Election District  
2nd Councilmanic District  
Petitioners:  
William E. Reincke & Betty J. Reincke  
Hearing Date: Friday, March 20, 1992 at 10:00 a.m.  
Special Hearing: to approve the amendment to the last approved Partial Development Plan of Lawnwood, Section I, Westmore to permit a 50 foot lot width in lieu of 55 feet.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
02/2178 February 20

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/26, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/26, 1992

OWINGS MILLS TIMES,

S. Zabo M. Olson

Publisher

\$75.00

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chase Avenue in Towson, Maryland 21204 as follows:  
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2nd Councilmanic District  
Petitioners:  
William E. Reincke & Betty J. Reincke  
Hearing Date: Friday, March 20, 1992 at 10:00 a.m.  
Special Hearing: to approve the amendment to the last approved Partial Development Plan of Lawnwood, Section I, Westmore to permit a 50 foot lot width in lieu of 55 feet.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
02/2178 February 20

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/26, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/26, 1992

THE JEFFERSONIAN,

S. Zabo Olson

Publisher

\$75.00

receipt

Baltimore County  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

Please Make Checks Payable To: Baltimore County  
BA 000104/P001-30-92 \$70.00

Cashier Validation

Baltimore County  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 2-28-92

William and Betty Reincke  
2010 Royal Garden Drive  
Baltimore, Maryland 21207

RE:  
CASE NUMBER: 92-297-SPHA  
NE/S Windsor Mill Road, 530' SE of c/l Lanswood Circle  
674 Windsor Mill Road  
2nd Election District - 2nd Councilmanic  
Petitioner(s): William E. Reincke & Betty J. Reincke

Dear Petitioner(s):

Please be advised that \$ 125.01 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-297-SPHA  
NE/S Windsor Mill Road, 530' SE of c/l Lanswood Circle  
674 Windsor Mill Road  
2nd Election District - 2nd Councilmanic  
Petitioner(s): William E. Reincke & Betty J. Reincke  
HEARING: FRIDAY, MARCH 20, 1992 at 10:00 a.m.

Special Hearing to approve the amendment to the last approved Partial Development Plan of Lanswood, Section I.

Variance to permit a 50 foot lot width in lieu of 55 feet.

Zoning Commissioner of  
Baltimore County

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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

March 9, 1992

Mr. & Mrs. William E. Reincke  
2010 Royal Garden Drive  
Baltimore, MD 21207

RE: Item No. 308, Case No. 92-297-SPHA  
Petitioner: William E. Reincke, et ux  
Petition for Special Hearing and  
Variance

Dear Mr. & Mrs. Reincke:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

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Zoning Plans Advisory Committee Comments  
Date: March 9, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,  
W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR:jw  
Enclosures

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 4th day of February, 1992.

ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards, Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: William E. Reincke, et ux  
Petitioner's Attorney:

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BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: February 21, 1992

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Reinecke Property, Item No. 308  
Lehner Property, Item No. 310  
Forthuber Property, Item No. 313  
McDougall Property, Item No. 317

In reference to the applicants' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn  
ITEM308/TXTROZ

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500 (301) 887-4500

FEBRUARY 12, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: WILLIAM E. REINCKE AND BETTY J. REINCKE  
Location: 674 WINDSOR MILL ROAD  
Item No.: 308 Zoning Agency: FEBRUARY 18, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JP/REK



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: February 25, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (BW6-140-11). An existing 15-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

BALTIMORE COUNTY  
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski  
Office of Zoning Administration and  
Development Management

FROM: A. J. Haley, Deputy Director  
Economic Development Commission

DATE: February 14, 1992

RE: Zoning Advisory Comments for Meeting of February 18, 1992

This office has no comment for items 306, 308, 313, 314, 315, 316, 317, 319 and 320.

RECEIVED  
FEB 20 1992  
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: March 12, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 18, 1992

This office has no comments for item numbers 306, 308, 313, 314, 315, 317, 319 and 320.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

RJF/lvd

RECEIVED  
MAR 16 1992  
ZONING OFFICE

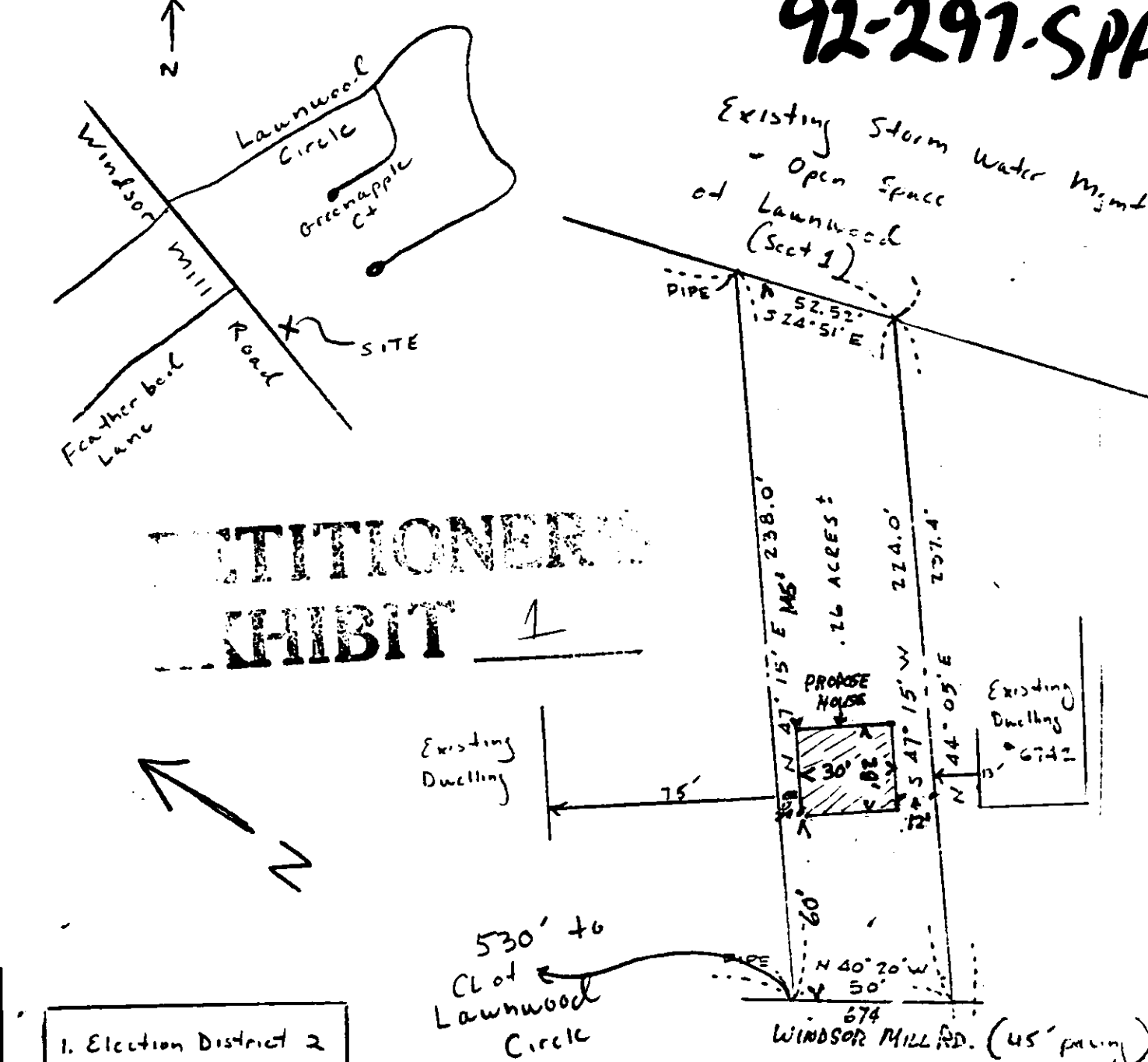
RECEIVED  
2 1992  
ZONING COMMISSIONER

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: *Debbie K. Remick* ADDRESS: *2010 Royal Caroline Dr. #308*  
\* *Debbie K. Remick* *8407 Sycamore Rd. #308*

Vicinity Map



PETITIONER'S  
EXHIBIT 1

1. Elevation District 2
2. Councilmanic District 2
3. Zoning D.R. 5.5
4. Lot Size - 11,008 sq. ft. = .266 Ac
5. Site is served by public utilities
6. Site is not within any flood hazard area

PARCEL 'C' - LAWNWOOD (53/121)  
674 WINDSOR MILL RD.

SCALE 1" = 50'

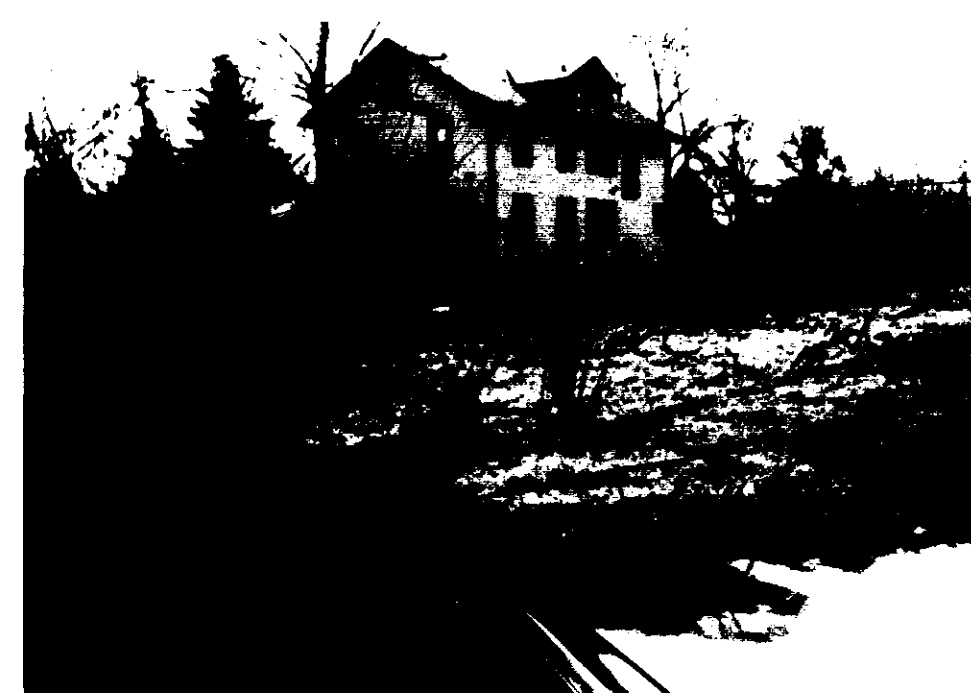
Owner: William + Betty Remick  
Plat to accompany petition for Variance & Special Hearing

To Baltimore County

I have no objections to the variance (92-297-SPHA) to permit a 50' lot in lieu of 55 Feet. My home lies upon a 50'x150' lot and I can not have any objection to the variance. In fact the development of the lot would improve the appearance of this particular area.

Thank you  
*George Murphy*  
George Murphy Pres.  
Windsor Neighbors Assoc

PETITIONER'S  
EXHIBIT 3



92-297-SPHA

3F  
NW  
1" = 200'

#308  
92-297-SPHA

